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Serial No. 10/023,479
60130-1303; 01MRA0194**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appellant: Wurm
Serial No.: 10/023,479
Filed: December 13, 2001
Group Art Unit: 3726
Examiner: Jiminez, Marc Quemuel
Title: METHOD OF ASSEMBLING A DOOR

Mail Stop Appeal Brief- Patents
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

APPEAL BRIEF

Dear Sir:

Subsequent to the filing of the Notice of Appeal on July 21, 2006, Appellant hereby submits its brief. The Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds, P.C. \$500.00 for the appeal brief fee. Any additional fees or credits may be charged or applied to Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds, P.C.

REAL PARTY IN INTEREST

The real party in interest is Meritor Light Vehicle Systems - France, the assignee of the entire right and interest in this Application.

RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

STATUS OF CLAIMS

Claims 1, 4-8, 16, 17 and 19-29 are pending in this application. Claims 1, 4-8, 19, 20, 22-24 and 29 stand finally rejected under 102(e). Claims 16, 17, 21 and 25-28 stand finally rejected under

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102(e) or, in the alternative, under 103(a). The Examiner has withdrawn the rejections of claims 16, 17 and 25-27 under 112, first paragraph.

STATUS OF AMENDMENTS

All amendments have been entered.

SUMMARY OF CLAIMED SUBJECT MATTER

As shown in Figure 1, this invention relates to a method of assembling a door 30. The method includes the steps of assembling a window regulator assembly 34 and a window glass 25 onto an outer face 40 of a door inner panel 31, assembling an anti intrusion beam 64 directly onto the outer face 40 of the door inner panel 31, and assembling a door outer panel 38 towards the outer face 40 of the door inner panel 31 (page 2, lines 25 to 28). The method also includes the steps of securing by fixing the door inner panel 31, the window regulator assembly 34, the anti intrusion beam 64 and the door outer panel 38 relative to each other. The step of assembling the window regulator assembly 64 and the window glass 25 precedes the step of assembling the anti intrusion beam 64, which precedes the step of assembling the door outer panel 28 (page 6, lines 1 to 26). This basic structure is set forth in independent claim 1.

Dependent claim 5 depends on claim 1 and adds that the step of securing by fixing includes employing at least one fixing element 66 which is assembled towards the outer face 40 of the door inner panel 38 (page 8, lines 25 to 28). Dependent claim 19 depends on claim 1 and adds that the anti intrusion beam 64 is configured to inhibit intrusion of other vehicles into a vehicle to which the door 30 is fitted in an event of a road traffic accident (page 6, lines 3 to 5). Dependent claim 23 depends on claim 22 (which depends on claim 1) and adds that the anti intrusion beam 64 is secured by at least one fixing element 66 attached to the outer face 40 of the door inner panel 31 (page 8, lines 25 to 28). Dependent claim 28 depends on claim 1 and adds that the step of assembling the window regulator assembly 34 and the window glass 25 together is before the step of assembling the window

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regulator assembly 34 and the window glass 25 onto the outer face 40 of the door inner panel 31 (page 6, lines 1 to 26).

Independent claim 16 recites a method of assembling a door 30. The method includes the steps of painting a door outer panel 38 (page 9, lines 8 to 15) and assembling at least one functional component 20, 34 and 71 onto an outer face 40 of a door inner panel 31 (page 4, lines 4 to 6 and page 6, lines 17 to 23). The method includes the steps of assembling an anti intrusion beam 64 onto the outer face 40 of the door inner panel 31 separately from other door components and assembling the door outer panel 38 towards the outer face 40 of the door inner panel 31 (page 6, lines 9 to 10). The step of assembling the anti intrusion beam 64 precedes the step of assembling the door outer panel 38, and the at least one functional component 20, 34 and 71 includes at least one of a window regulator assembly 34, a loudspeaker 71 and a latch assembly 20 (page 4, lines 4 to 6, page 6 lines 1 to 26).

Independent claim 29 recites a method of assembling a door 30. The method includes the steps of assembling at least one functional component 20, 34 and 71 onto an outer face 40 of a door inner panel 31, the door inner panel 31 including door mountings to support the door 30 in a vehicle, and assembling an anti intrusion beam 38 directly onto the outer face 40 of the door inner panel 31 (page 4, lines 4 to 6, page 6, lines 9 to 10, page 6, lines 17 to 23). The method includes the steps of assembling a door outer panel 38 towards the outer face 40 of the door inner panel 31 and securing by fixing the door inner panel 31, the at least one functional component 20, 34 and 71, the anti intrusion beam 64 and the door outer panel 38 relative to each other such that the door outer panel 38 is supported entirely by the door inner panel 31 when assembled in the vehicle (page 6, lines 6 to 8). The step of assembling the at least one functional 20, 34 and 71 component precedes the step of assembling the anti intrusion beam 64, which precedes the step of assembling the door outer panel 38 (page 6, lines 1 to 26).

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GROUND OF REJECTION TO BE REVIEWED ON APPEAL

- A. Are Claims 1, 4-8, 19, 20, 22-24 and 29 properly rejected under 35 U.S.C. 102(e) based on Palazzolo et al. (US 6,164,716)?
- B. Are Claims 16, 17, 21 and 25-28 properly rejected under 35 U.S.C. 102(e) or, in the alternative, 103(a) based on Palazzolo et al.?

ARGUMENTS

- A. Anticipation of Claims 1, 4-8, 19, 20, 22-24 and 29 based on Palazzolo et al.

Claims 1, 4, 6-8, 20 and 22

The Examiner finally rejected Claims 1, 4-8, 19, 20, 22-24 and 29 as being anticipated by Palazzolo et al. The present invention is patentable and strikingly different from Palazzolo et al. As described by the claims, the present invention provides a method of assembling a door including the steps of:

assembling a window regulator assembly and a window glass onto an outer face of a door inner panel, the door inner panel also including an inner face;

assembling an anti intrusion beam directly onto the outer face of the door inner panel;

assembling a door outer panel towards the outer face of the door inner panel; and

securing by fixing the door inner panel, the window regulator assembly, the anti intrusion beam and the door outer panel relative to each other, wherein the step of assembling the window regulator assembly and the window glass precedes the step of assembling the anti intrusion beam, which precedes the step of assembling the door outer panel.

[See Claim 1]. Claims 1, 4-8, 19, 20, 22-24 and 29 of the present invention all share these same or similar features. [See Claims 1, 4-8, 19, 20, 22-24 and 29].

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The claimed invention is not anticipated by Palazzolo et al. Palazzolo et al. does not disclose the step of assembling an anti-intrusion beam directly onto an outer face of a door inner panel as claimed. The Examiner is calling the horizontal rib 66 of Palazzolo et al. an anti-intrusion beam. However, the horizontal rib 66 is not an anti-intrusion beam nor does it function as an anti-intrusion beam. As known, an anti-intrusion beam is a high strength beam that extends across a door to transfer side impact forces to a vehicle body and minimize a degree of intrusion of the door into a passenger compartment of the vehicle in the event of an accident, allowing vehicle manufactures to comply with regulations for side impact protection. In Palazzolo et al., the horizontal rib 66 provides an area to secure door hardware 60 to an intermediate member 26 and is a carrier for functional components, such as loudspeakers and window regulators (column 3, lines 32-34). Palazzolo et al. does not disclose that the horizontal rib 66 performs any anti-intrusion function or is an anti intrusion beam.

Additionally, functional components are mounted on the horizontal rib 66. An anti-intrusion beam would not be used to carry functional components because mounting holes used to mount the functional components would weaken the anti-intrusion beam. Additionally, during an impact, there is a risk that any functional components mounted on the anti-intrusion beam will penetrate the passenger area and potentially cause injury. The horizontal rib 66 is not an anti-intrusion beam.

Finally, Palazzolo et al. specifically discloses that "since the structural material 58 dissipates the impact energy, impact beams are not required to absorb additional energy" (column 3, lines 12 to 14). That is, Palazzolo et al. specifically discloses that it does not include any anti-intrusion beams. The purpose of Palazzolo et al. is to *not provide* an anti-intrusion beam. The claimed invention is not anticipated, and Appellant respectfully requests that the rejection be withdrawn.

Claim 5

The rejection of Claim 5 is separately contested from the rejection of Claims 1, 4, 6-8, 20 and 22 et al. Claim 5 recites that the step of securing by fixing includes employing at least one fixing element which is assembled towards the outer face of the door inner panel. The Examiner states that

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the fixing elements are elements 34 or 54. However, the elements 34 or 54 of Palazzolo et al. are the bottom of an inner member 22 or an intermediate member 26, respectively. The bottoms 34 or 54 are not fixing elements as claimed. Claim 5 is not anticipated by Palazzolo et al., and Appellant respectfully request that the rejection be withdrawn.

Claim 19

The rejection of Claim 19 is separately contested from the rejection of Claims 1, 4, 6-8, 20 and 22 et al. Claim 19 recites that the anti intrusion beam is configured to inhibit intrusion of other vehicles into a vehicle to which the door is fitted in an event of a road traffic accident. The Examiner states that the horizontal rib 66 is an anti-intrusion beam. However, the horizontal rib 66 is not an anti-intrusion beam for the reasons set forth above. The horizontal rib 66 mounts functional components and does not prevent intrusion of other vehicles into the vehicle to which the door is fitted. Palazzolo et al. does not anticipate claim 19.

Claims 23 and 24

The rejection of Claims 23 and 24 is separately contested from the rejection of Claims 1, 4, 6-8, 20 and 22 et al. Claim 23 depends on claim 22 and recites that the anti intrusion beam is secured by at least one fixing element attached to the outer face of the door inner panel. The Examiner states that the element 34 is a fixing element. However, the element 34 of Palazzolo et al. is a bottom of an inner member 22 and not a fixing element. The bottom is not a fixing element as claimed. Claims 22 and 23 are not anticipated by Palazzolo et al.

Claim 29

Independent claim 29 is not anticipated. Claim 29 recites a method of assembling a door including the steps of assembling at least one functional component onto an outer face of a door inner panel, the door inner panel including an inner face and door mountings to support the door in a vehicle and assembling an anti intrusion beam directly onto the outer face of the door inner panel.

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The method further includes the steps of assembling a door outer panel towards the outer face of the door inner panel and securing by fixing the door inner panel, the at least one functional component, the anti intrusion beam and the door outer panel relative to each other such that the door outer panel is supported entirely by the door inner panel when assembled in the vehicle. The step of assembling the at least one functional component precedes the step of assembling the anti intrusion beam, which precedes the step of assembling the door outer panel.

The claimed invention is not anticipated by Palazzolo et al. Palazzolo et al. does not disclose the step of assembling an anti-intrusion beam directly onto an outer face of a door inner panel as claimed. The Examiner is calling the horizontal rib 66 of Palazzolo et al. an anti-intrusion beam. However, the horizontal rib 66 is not an anti-intrusion beam nor does it function as an anti-intrusion beam. As known, an anti-intrusion beam is a high strength beam that extends across a door to transfer side impact forces to a vehicle body and minimize a degree of intrusion of the door into a passenger compartment of the vehicle in the event of an accident, allowing vehicle manufactures to comply with regulations for side impact protection. In Palazzolo et al., the horizontal rib 66 provides an area to secure door hardware 60 to an intermediate member 26 and is a carrier for functional components, such as loudspeakers and window regulators (column 3, lines 32-34). Palazzolo et al. does not disclose that the horizontal rib 66 performs any anti-intrusion function or is an anti intrusion beam.

Additionally, functional components are mounted on the horizontal rib 66. An anti-intrusion beam would not be used to carry functional components because mounting holes used to mount the functional components would weaken the anti-intrusion beam. Additionally, during an impact, there is a risk that any functional components mounted on the anti-intrusion beam will penetrate the passenger area and potentially cause injury. The horizontal rib 66 is not an anti-intrusion beam.

Finally, Palazzolo et al. specifically discloses that "since the structural material 58 dissipates the impact energy, impact beams are not required to absorb additional energy" (column 3, lines 12 to 14). That is, Palazzolo et al. specifically discloses that it does not include any anti-intrusion beams.

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The purpose of Palazzolo et al. is to *not provide* an anti-intrusion beam. The claimed invention is not anticipated, and Appellant respectfully requests that the rejection be withdrawn.

B. Obviousness of Claims 16, 17, 21 and 25-28 based on Palazzolo et al.

Claims 16, 17, 21 and 25-27

Claims 16, 17, 21 and 25-27 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Palazzolo et al. Independent claim 16 recites a method of assembling a door. The method includes the steps of painting a door outer panel and assembling at least one functional component onto an outer face of a door inner panel. The method includes the steps of assembling an anti intrusion beam onto the outer face of the door inner panel separately from other door components and assembling the door outer panel towards the outer face of the door inner panel. The step of assembling the anti intrusion beam precedes the step of assembling the door outer panel, and the at least one functional component includes at least one of a window regulator assembly, a loudspeaker and a latch assembly.

The claimed invention is not anticipated by or obvious in view of Palazzolo et al. The claimed invention is not anticipated by or obvious in view of Palazzolo et al. Palazzolo et al. does not disclose the step of assembling an anti-intrusion beam directly onto an outer face of a door inner panel as claimed. The Examiner is calling the horizontal rib 66 of Palazzolo et al. an anti-intrusion beam. However, the horizontal rib 66 is not an anti-intrusion beam nor does it function as an anti-intrusion beam. As known, an anti-intrusion beam is a high strength beam that extends across a door to transfer side impact forces to a vehicle body and minimize a degree of intrusion of the door into a passenger compartment of the vehicle in the event of an accident, allowing vehicle manufactures to comply with regulations for side impact protection. In Palazzolo et al., the horizontal rib 66 provides an area to secure door hardware 60 to an intermediate member 26 and is a carrier for functional components, such as loudspeakers and window regulators (column 3, lines 32-34). Palazzolo et al.

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does not disclose that the horizontal rib 66 performs any anti-intrusion function or is an anti intrusion beam.

Additionally, functional components are mounted on the horizontal rib 66. An anti-intrusion beam would not be used to carry functional components because mounting holes used to mount the functional components would weaken the anti-intrusion beam. Additionally, during an impact, there is a risk that any functional components mounted on the anti-intrusion beam will penetrate the passenger area and potentially cause injury. The horizontal rib 66 is not an anti-intrusion beam.

Finally, Palazzolo et al. specifically discloses that "since the structural material 58 dissipates the impact energy, impact beams are not required to absorb additional energy" (column 3, lines 12 to 14). That is, Palazzolo et al. specifically discloses that it does not include any anti-intrusion beams. The purpose of Palazzolo et al. is to *not provide* an anti-intrusion beam.

The Examiner states that it is inherent that a door outer panel is painted because doors are painted to match the desired color of the body of the vehicle. Appellant respectfully disagrees. Palazzolo et al. does not disclose, suggest or teach painting the door outer panel a color that matches a body of the vehicle. Palazzolo et al. is silent on the color of the door outer panel. The claimed invention is not anticipated or obvious, and Appellant respectfully requests that the rejection be withdrawn.

Claim 28

The rejection of Claim 28 is separately contested from the rejection of Claims 1, 4, 6-8, 20 and 22 et al. Claim 28 recites that the step of assembling the window regulator assembly and the window glass together before the step of assembling the window regulator assembly and the window glass onto the outer face of the door inner panel. Claim 28 depends on patentable independent claim 1 and is allowable for the reasons set forth above. The claimed invention is not anticipated or obvious because Palazzolo et al. does not disclose, suggest or teach the step of assembling an anti-intrusion beam. The claimed invention is not anticipated or obvious, and Appellant respectfully requests that the rejection be withdrawn.

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CONCLUSION

For the reasons set forth above, the rejection of all claims is improper and should be reversed. Appellant respectfully requests such an action.

Respectfully Submitted,

CARLSON, GASKEY & OLDS, P.C.

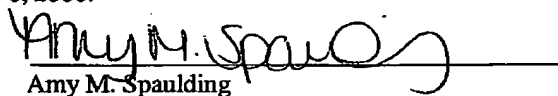


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Dated: September 6, 2006

CERTIFICATE OF FACSIMILE

I hereby certify that this appeal brief is being facsimile transmitted to the United States Patent and Trademark Office, 571-273-8300 on September 6, 2006.


Amy M. Spaulding

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CLAIM APPENDIX

1. A method of assembling a door comprising the steps of:
assembling a window regulator assembly and a window glass onto an outer face of a door inner panel, the door inner panel also including an inner face;
assembling an anti intrusion beam directly onto the outer face of the door inner panel;
assembling a door outer panel towards the outer face of the door inner panel; and
securing by fixing the door inner panel, the window regulator assembly, the anti intrusion beam and the door outer panel relative to each other, wherein the step of assembling the window regulator assembly and the window glass precedes the step of assembling the anti intrusion beam, which precedes the step of assembling the door outer panel.
4. The method of claim 1 further including the step of assembling a trim panel towards the inner face of the door inner panel and securing the trim panel to the door inner panel.
5. The method of claim 1 wherein the step of securing by fixing comprises employing at least one fixing element which is assembled towards the outer face of the door inner panel.
6. The method of claim 5 wherein the at least one fixing element includes a primary axis which is substantially perpendicular to the outer face of the door inner panel.
7. The method of claim 6 wherein the step of securing by fixing comprises a primary fixing direction which faces the outer face of the door inner panel during assembly.
8. The method of claim 1 wherein the door outer panel, the anti intrusion beam and the window regulator assembly are non destructively releasably fixed to the door inner panel.

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16. A method of assembling a door comprising the steps of:
painting a door outer panel;
assembling at least one functional component onto an outer face of a door inner panel, the door inner panel also including an inner face;
assembling an anti intrusion beam onto the outer face of the door inner panel separately from other door components; and
assembling the door outer panel towards the outer face of the door inner panel, wherein the step of assembling the anti intrusion beam precedes the step of assembling the door outer panel, and wherein the at least one functional component comprises at least one of a window regulator assembly, a loudspeaker and a latch assembly.
17. The method of assembly claim 16 wherein the anti intrusion beam is secured to the door inner panel prior to the step of assembling the door outer panel to the door inner panel and independently of the door outer panel.
19. The method of claim 1 wherein the anti intrusion beam is configured to inhibit intrusion of other vehicles into a vehicle to which the door is fitted in an event of a road traffic accident.
20. The method of claim 1 wherein the door inner panel includes a leading edge, a trailing edge, a waist line and a bottom edge, and the anti intrusion beam is an elongate member assembled in the step of assembling the anti intrusion beam to extend generally between the leading edge and the trailing edge of the door inner panel intermediate the waist line and the bottom edge of the door inner panel.
21. The method of claim 16 wherein the anti intrusion beam includes a waist level reinforcement beam integrally provided therewith.

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22. The method of claim 1 wherein the anti intrusion beam is secured directly to the outer face of the door inner panel.
23. The method of claim 22 wherein the anti intrusion beam is secured by at least one fixing element attached to the outer face of the door inner panel.
24. The method of claim 23 wherein the anti intrusion beam is secured by the at least one fixing element assembled towards the outer face of the door inner panel.
25. The method of claim 16 wherein the anti intrusion beam is secured directly to the outer face of the door inner panel.
26. The method of claim 16 wherein the anti intrusion beam is assembled to the outer face of the door inner panel separately from the door outer panel.
27. The method of claim 26 wherein the anti intrusion beam is assembled to the outer face of the door inner panel prior to the step of assembling the door outer panel to the outer face of the door inner panel.
28. The method of claim 1 further including the step of assembling the window regulator assembly and the window glass together before the step of assembling the window regulator assembly and the window glass onto the outer face of the door inner panel.

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29. A method of assembling a door comprising the steps of:
- assembling at least one functional component onto an outer face of a door inner panel, wherein the door inner panel includes an inner face and door mountings to support the door in a vehicle;
 - assembling an anti intrusion beam directly onto the outer face of the door inner panel;
 - assembling a door outer panel towards the outer face of the door inner panel; and
 - securing by fixing the door inner panel, the at least one functional component, the anti intrusion beam and the door outer panel relative to each other such that the door outer panel is supported entirely by the door inner panel when assembled in the vehicle, wherein the step of assembling the at least one functional component precedes the step of assembling the anti intrusion beam, which precedes the step of assembling the door outer panel.

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EVIDENCE APPENDIX

None

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RELATED PROCEEDINGS APPENDIX

None

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